

15.100 CITIZEN COMPLAINTS

References:

Manual of Rules and Regulations
Procedure 12.545 - Use of Force
Standards Manual - 1.2.9, 52.1.10

Definitions:

Citizen complaint - an allegation from any source, of any action or inaction by Department personnel the individual considers being contrary to law, proper procedure, good order or in some manner prejudicial to the individual, the Police Department or to the community. In situations involving only the individuals alleging innocence of a charge placed by a police officer, advise the complainant to seek judicial redress through established court procedures.

Policy:

The Internal Investigations Section (IIS) is to be notified for incidents involving criminal allegations against or suspected criminal conduct by sworn Department members. Notification of IIS should be made in addition to notification of the Duty Officer, the affected District or Section Commander and the Night Chief, when applicable. IIS will request appropriate resources as needed from those sections or units that are subject experts in specific areas.

Domestic Violence is the exception to this policy. Law and Department procedure require that district personnel take immediate action in domestic violence cases based on probable cause. IIS should be notified when Department members are arrested for domestic violence.

This policy does not change or otherwise affect current policy for shots fired by police personnel.

During an investigation, all relevant police activity, including each use of force (i.e. not just the type of force complained about) will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident.

The Department will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury; rather the Department will continue its investigation as necessary to determine whether the original allegation(s) can be resolved. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence whether an officer used or did not use a type of force, nor will it justify discontinuing an investigation.

A Department employee seeing or having knowledge of a police action involving misconduct, will immediately initiate a citizen complaint on behalf of the alleging party.

If a citizen objects to an officer's conduct, that officer will inform the citizen of their right to make a complaint. The officer will give them a copy of the information brochure and complaint form. Officers will not discourage any person from making a complaint.

The complainant's willingness to participate in the resolution meeting, and the outcome of the complaint resolution meeting, will have no bearing on the investigation or the adjudication of that complaint.

If the complainant declines to attend the CCRP meeting, the investigating supervisor is required to notify the complainant of the facts of the investigation and the disposition. The report submitted should include information indicating the notification occurred or that a sincere effort was made but was unsuccessful.

Preferably police supervisors will accept citizen complaints. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible. It is the accepting supervisor's responsibility to review the complaint. The district or unit commander will order additional investigation when appropriate and make the final determination of how the complaint is routed. Upon receipt, each complaint will be assigned a unique tracking number and will be resolved in writing. All citizen complaints received by the agency will be maintained in a secure location. This includes the Citizen Complaint Form 648 and all investigative documentation.

The complainant will be periodically kept informed regarding the status of the investigation. Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.

The Department will explicitly prohibit from investigation of an incident any officer who used force or chemical spray during the incident, or whose conduct led to the injury of a prisoner, or who authorized the conduct that led to these reportable incidents.

Any officer or supervisor involved in a situation resulting in an official complaint will not be present during any interview with the complainants or witnesses.

Any supervisor identified as a party to an official complaint will not act as the complaint investigator.

Information:

Allegations of the following nature will be handled through the Citizen Complaint Resolution Process (CCRP):

- Discourtesy/unprofessional attitude
- Lack of proper service
- Improper procedure (Examples include offense investigation, use of discretion, official law enforcement practices, and Police Department procedures.)

Allegations of the following nature will not be handled through CCRP and will be handled by the Internal Investigations Section (IIS) and/or the judicial system.

- Criminal conduct
- Sexual misconduct
- Serious misconduct (e.g. severe nature or pattern of procedural violations, lack of service, etc.)
- Excessive use of force (Force as defined in Procedure 12.545, Use of Force)

- Unnecessary pointing of firearms at persons
- Improper Searches and seizures
- Discrimination

Procedure:

- A. The investigating supervisor will complete a Form 648, Citizens Complaint Form, if while investigating a use of force, the individual alleges excessive force. He will investigate the complaint thoroughly while all participants are present.
 1. Complete a Form 17 summarizing the investigation. Forward the Form 17, Form 18F and Form 648 through channels.
 - a. Immediately fax a copy of the Form 648 to the Internal Investigations Section.
 2. If more than the necessary amount of force appears to have been used, or the injuries are inconsistent with the reported force, contact the IIS Commander and the officer's district/section/unit commander.
- B. Form 648, Citizen Complaint Form
 1. Complete a Form 648 when a citizen brings to a Department employee's attention an action, situation, or condition, as described in the Information section.
- C. Accepting a Citizen Complaint Lodged in Person
 1. Give the complainant a Form 648 to complete, provide instruction on preparation and have the complainant sign the front side of the form in his own handwriting. The backside is for Department use only.
 2. If more space is needed, use additional blank Forms 648.
 3. Helping a complainant complete the Form 648.
 - a. Upon request, help the complainant complete the Form 648.

- b. If the complainant is given help to complete the form, include under "Details" a brief statement as to why help was given.
 - c. Request the Form 648 be signed by the following; complainant, any representative of the complainant, and/or any person assisting the complainant.
 - 1) Witness the signature(s).
 - d. Police Department personnel helping a complainant prepare the form, must sign in both the "Receiving" and the "Assisting Person" blocks.
4. The accepting Department employee will review the completed form for content and legibility.
- a. If a word is not legible, ask the complainant what the word is. Print the proper word directly above the complainant's handwritten word.
 - b. If the complaint is a third party complaint it will be handled in the same manner as any other complaint.
5. The receiving employee will ensure all pertinent dates and times are included in the form.
- a. Attach legible copies of all arrest slips pertaining to the incident.
6. If a complainant refuses to write the complaint in his own handwriting, process the complaint as a telephone complaint. Refer to Section G. of this procedure.
7. The receiving employee will place his name and badge number in the space provided on side one of the Form 648 and copy side one only for the complainant. This copy will serve as the complainant's receipt.
- a. Complainants do not receive a copy of the completed side 2, the "For Department Use Only" section.

- c. Written observations of the receiving employee should not be on the copy given to the complainant.
- D. Completing the "For Department Use Only" Section of the Form 648, Side 2
 - 1. Outline the allegations, identifying principals and witnesses, and provide information developed as a result of any preliminary investigation.
 - a. Make sure to include addresses and phone numbers of principals and witnesses.
 - 2. Enter a description of the complainant's apparent physical condition and demeanor.
 - a. State your reason(s) for believing a complainant was under the influence of an intoxicant, and/or drug (do not express opinions regarding their mental competency or veracity).
 - 3. Describe any other traits or conditions displayed by the complainant, which may have a bearing on the allegation(s) and/or investigation of the complaint.
 - 4. Specifically note any visible marks or injuries about the complainant.
 - a. Take photographs when the complaint involves any injury or claimed injury, damaged clothing, etc., whether visible or not.
 - 1) Clearly label the photos with the complainant's name, date, time taken, and photographer's name and badge number. Attach the photographs to the original Form 648 for review by the district/section commander.
 - 5. Do not include written observations on the copy given to the complainant.
 - 6. The receiving Department employee will ensure all information on the form is as complete as possible.

E. Processing the Completed Citizen Complaint Form

1. Make one additional copy of both sides of the Citizen Complaint form including only pertinent documentation (e.g., arrest slips, photographs, etc.) and forward the original and copy to the appropriate affected district/section commander by 0800 hours on the next day.

a. Complaints eligible for CCRP

- 1) Affected district/section/unit retains original Form 648 complaint and all pertinent documentation.
- 2) Forward a copy of the Form 648 to IIS for tracking purposes.

b. Complaints not eligible for CCRP

- 1) Forward the original Form 648 with all pertinent documentation to IIS.
- 2) Affected district/section keeps a copy of the Form 648 complaint.

F. Accepting a Citizen Complaint by Mail or Facsimile

1. Submit citizen complaints received through the mail to a supervisor. The supervisor will:
 - a. Prepare a Form 648.
 - b. Place the Form 648 and the correspondence in a sealed envelope and process as in Section D.
 - c. Complaints received in the form of e-mail messages will be printed out and processed as in Section D.

G. Accepting a Citizen Complaint by Telephone or Telecommunications Device for the Deaf (TDD)

1. Refer telephone complaints regarding police action(s) to a supervisor. If a supervisor is unavailable, the receiving employee will follow this procedure and notify a supervisor as soon as possible.

- a. Make an effort to persuade the complainant to appear at a police installation to register the complaint in person.
 - b. Enter pertinent information on a Form 648. Obtain all the facts necessary and appropriate to complete the form.
 - c. Get the complainant's name, address, and telephone number. Advise the citizen this information is essential to investigate the complaint properly.
 - 1) Advise a complainant who insists on remaining anonymous this may hamper a proper investigation and disposition of the complaint.
 - d. Print the words "Telephone Complaint" in the box for the complainant's signature.
 - e. Follow the procedure in Section D for processing the complaint.
 - 2. The TDD complaints will be received by Police Communications Section (PCS) and handled according to their standard operating procedure.
 - a. The affected district/section/unit supervisor, upon notification from PCS, will follow the procedure in Sections D and G.1.
- H. Assignment, Logging, and Investigation of Citizen Complaints
- 1. The district/section/unit supervisor, as assigned by the district/section commander, will resolve complaints eligible under CCRP. Any problems or needs identified will be relayed in writing in the form of a recommendation to the Police Chief.
 - 2. Non-CCRP complaints will be forwarded to IIS and resolved per IIS standard operating procedure.

I. CCRP Resolution Process

1. The investigating supervisor will thoroughly investigate the allegation(s). All pertinent information sources will be examined, including but not limited to, the complainant, witnesses, involved officers and witness officers, worksheets, MDT information, offense reports, relevant law, policy and procedure, etc. Investigators will not ask officers or other witnesses leading questions that improperly suggest legal justification for the officer's conduct when such questions are contrary to appropriate law enforcement techniques.
 - a. Forward information to the District or Section commander for referral to IIS if the investigation reveals the complaint is not suitable for a resolution meeting.
2. The investigating supervisor will take appropriate action based on the investigation of the complaint.
 - a. The investigating supervisor will make a determination whether the members conduct was consistent with or not consistent with Department policy, procedure, and practice. The supervisor will document the determination in the Form 648a Resolution and Disposition.
 - b. Verbal counseling or documentation via the Evaluation Supplement Log if the member's conduct does not meet Department standards, as determined through the supervisor's investigation.
 - c. Hold a complaint resolution meeting with the complainant and the Department member.
3. Resolution Meeting: A resolution meeting will be conducted according to the following guidelines:

- a. Present at the meeting: Complainant, Police Officer, Supervisor/facilitator. No one else will be present. This allows for the best interaction by the two important participants. In cases where there are multiple complainants and multiple officers, meetings will be held for each if necessary. In most cases, a primary complainant will be identified and the case resolved with one meeting.
- b. The resolution meeting will not be tape-recorded. The resolution meeting will be a sincere effort by all parties to discuss and resolve the problem.
- c. Resolution meetings will be conducted by the next highest ranked officer than the officer involved in the complaint.
- d. All parties involved in the resolution meeting will sign a Form 648A, Acknowledgment of Participation in Resolution Meeting. The document will not refer to any discussion, action, agreement, or other aspect of the resolution meeting.
- e. The supervisor will concisely summarize the resolution meeting to a Form 648B, Resolution Disposition, which will be filed in the case jacket.
- f. Failure by a complainant to attend the first scheduled resolution meeting will be excused. If a complainant fails to attend a second scheduled resolution meeting, the complaint/problem will be deemed to have been resolved by the supervisor's inquiry and the file will indicate same.
- g. Supervisors closing a CCRP complaint investigation will notify the complainant of the facts of the investigation and the disposition if the citizen declines to attend a resolution meeting.

- 1) The report submitted should include information indicating that this was done or that a sincere effort was made but was unsuccessful. (For example: complainant could not be located, refused to discuss/listen.)

4. Record Keeping

- a. The investigating supervisor will complete a report of the investigation and its findings using the appropriate forms.
- b. The investigating supervisor will submit all CCRP complaint investigation reports via the chain-of-command to their bureau commander for review and approval.
- c. The bureau commander will make a final determination of the appropriate complaint closure classification according to section 9.07 of the Manual of Rules and Regulations and Disciplinary Process for the Cincinnati Police Department.
- d. The bureau commander will route a copy of the CCRP complaint investigation reports to the Internal Investigations Section Commander for an administrative review. The original reports will be retained at the originating district or section for filing in the CCRP case jacket.
- e. CCRP eligible complaints will be evaluated by the district/section/unit commander for underlying problems. Any problems or needs will be relayed in writing in the form of a recommendation to the Police Chief.
- f. The district or section commander will maintain a database for record keeping and tracking purposes.

- g. The district or section commander will maintain individual case folders for each complaint. The case folders will contain the intake form, the meeting resolution summary and the participation acknowledgment form.
- h. The District Commander will ensure the Citizens Feedback/Complaint Forms' Quarterly Checklist is completed by the 15th of March, June, September and December, and forwarded to Patrol Administration.